

Department of Planning and Zoning

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Burlington, VT 05401
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David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: June 17, 2014
RE: 14-1066SD; 395 Appletree Point Road

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Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: WRL Ward: 4

Owner/Representative: Andrew Gary Reid

Request: Combined preliminary & final plat review of 2-lot subdivision; no development included.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 10 (Subdivision Review)

Background Information:

The applicant is seeking combined preliminary and final plat approval to subdivide an existing lot into two lots. The property contains one single family home. The subdivision would result in a new vacant building lot and the remaining lot with the existing home. An identical subdivision was approved by the Development Review Board (12-0495SD) on November 28, 2011. The applicant intentionally allowed that approval to lapse but now wishes to subdivide again.

Previous zoning actions for this property are noted below.

- 11/28/11, Approval of 2-lot subdivision with no new development
- 9/21/04, Replace temporary car cover with garage and storage building
- 3/21/95, Boundary line adjustment with neighboring parcel to merge into 1 larger lot
- 1/23/92, Subdivide lot into two lots, each with a remaining single family home

Recommendation: Consent Approval as per, and subject to, the findings and conditions below:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

1. The capacity of existing or planned community facilities;

No development is included in this proposal. The new lot will be served by public sewer and water if developed in the future. Sufficient reserve capacity is available. Note that the plans refer to the Champlain Water District. They should refer instead to Burlington Water Department. A state wastewater permit will be required. **(Affirmative finding as conditioned)**

2. The character of the area affected;

Appletree Point Road is defined by single family homes along the lakeshore. The proposed subdivision would enable the construction of one more lakeshore home. **(Affirmative finding)**

3. Traffic on roads and highways in the vicinity;

Not applicable.

4. Bylaws then in effect;

As conditioned, the project complies with all applicable bylaws. **(Affirmative finding)**

5. Utilization of renewable energy resources;

Not applicable.

6. Cumulative impacts of the proposed use;

Not applicable.

7. Functional family;

Not applicable.

8. Vehicular access points;

The proposed vacant lot will front on Appletree Point Road and will be served by a private driveway. **(Affirmative finding)**

9. Signs;

Not applicable.

10. Mitigation measures;

Not applicable.

11. Time limits for construction;

Not applicable.

12. Hours of operation and construction;

Not applicable.

13. Future enlargement or alterations;

Not applicable.

14. Performance standards;

Not applicable.

15. Conditions and safeguards;

Approval of this project will be conditioned to implement the purposes of the zoning regulations.
(Affirmative finding)

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The subject property is located in the WRL zone, which is intended primarily for single family homes and duplexes. Except for the subdivision itself, no development is included. The proposed vacant lot would be large enough to contain a single family home. **(Affirmative finding)**

(b) Dimensional Standards & Density

The minimum lot size in the WRL zone is 6,000 sf; however, this property is located within the Larger Lot Overlay. Within this overlay, the minimum lot size is 9,900 sf. The new vacant lot and the remaining lot would both exceed this minimum lot size.

Both lots will have more than 60' of road frontage, the minimum required.

The proposed subdivision will only affect the northern side yard setback for the existing home. As proposed, the home would remain 50' away from this newly formed boundary line. This distance exceeds the 20' minimum required. The new vacant lot contains a defined building envelope. The side yard setbacks are depicted at the minimum required 10% of lot width. The rear yard is affected by the lakeshore setback of 75'. An 83' lakeshore setback is proposed. The front yard setback is based on the average of existing neighboring homes (two homes on both sides of the new vacant lot). This average is 65'. The proposed building envelope depicts this average, plus or minus 5' as allowed.

Lot coverage on the remaining parcel with the existing home is not noted and must be, although it clearly remains below 35%. There is no lot coverage on the new vacant lot.

Building height is not applicable to this proposal.

The resultant 2.42 acre and 0.65 acre lots are sufficiently large enough for single unit density (4.4 units/acre in WRL zone/Larger Lot Overlay). **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

No development is included in this proposal. A single family home may be allowed on the vacant lot under separate permit. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

A. Encroachment for Residential Driveways

Not applicable.

B. Encroachment into the Waterfront Setback

Not applicable.

2. Height

A. Exceptions in the Waterfront RM District

Not applicable.

3. Lot Coverage

A. Exceptions for Accessory Residential Features

Not applicable.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

Not applicable.

6. Uses

Not applicable.

7. Residential Development Bonuses

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable.

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The subdivision itself will have no impact on important natural features. The proposed building envelope depicts where development may take place on the new lot. There are a few trees within the proposed building envelope, but most of the area is open lawn. Construction within the defined building envelope would take place relatively far away from the lakeshore. **(Affirmative finding)**

(b) Block size and arrangement

Not applicable.

(c) Arrangement of Lots

The proposed subdivision will split the existing lot in two and will result in two lots running front-to-back, road-to-shore similar to other lakeshore lots along Appletree Point Road. Lot sizes in this neighborhood vary widely. The sizes of the proposed lots are well within the established range of lot sizes in this area. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

Not applicable.

Article 10: Subdivision Review

Sec. 10.1.7, Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

The proposed subdivision only is for 2 lots and thus qualifies to be considered in a combined hearing. **(Affirmative finding)**

Sec. 10.1.9, Final Plat Review

(a) Final Plat and Construction Detail Submission Requirements

6. Final Plat Specifications

This criterion requires that the final plat plan be drawn at a scale of 1" = 40'. The plans are at a 1" = 20" scale and must be revised accordingly. **(Affirmative finding as conditioned)**

(d) Review Criteria

1. The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4

See Article 4 of these findings.

2. The review criteria for Conditional Use and Major Impact in Article 3, Part 5 where applicable
See Article 3 of these findings.

3. The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable

See Article 5 of these findings.

4. The land division and site development principles and design standards in Article 6.
See Article 6 of these findings.

Sec. 10.1.11, Recording of Final Plats

(a) Certifications and Endorsement

Prior to recording the mylar plat plan, all of the required endorsement blocks must be depicted on the plan itself and signed by the appropriate individuals. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. Within 180 days of the date of final approval, the subdivision plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.
2. Prior to filing the mylar in the city land records, the subdivision plat shall be revised to reflect the following, subject to staff review and approval:
 - a. Depiction of lot coverage on the remaining developed lot;
 - b. Revision of scale to 1" = 40';
 - c. Deletion of reference to Champlain Water District and replacement with Burlington Water Department; and,
 - d. Inclusion of certifications and endorsements language required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance.
3. No development is included in this approval.
4. Standard permit conditions 1-15.

RECEIVED
MAY 13 2014

May 13, 2014.

Dear Planning and Zoning,

DEPARTMENT OF
PLANNING & ZONING

I spoke briefly with Scott Gustin regarding this request. I explained that it was identical to a former sub-division request that was approved by the City, but for which I had defaulted on by not submitting the Mylar so as to void the sub-division. I asked Scott if it would be possible to use the supporting data on record for that request rather than re-prepare the entire package. His initial response was that it would be "Conceptually" possible if this request was identical to the original. I do not wish to make any changes, so, to the best of my knowledge, it is identical. If it turns out that additional supporting data is necessary, I will gladly provide it.

Thank you,

Sincerely,

A. Gary Reid

Scott Gustin

From: Barry Simays
Sent: Friday, May 30, 2014 8:33 AM
To: Scott Gustin
Subject: RE: 395 Appletree Point Rd subdivision

Scott,

I have reviewed the subdivision plat and have no specific comments. Any future development will be governed by the fire/life safety/building codes adopted at the time of the development.

Thank you,

BC Barry Simays, CFI
Fire Marshal
Burlington Fire Department
132 North Avenue
Burlington, VT 05401
(802) 864-5577
(802) 658-7665 (Fax)
bsimays@burlingtonvt.gov

Non-Discrimination

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at 865-7145.

From: Scott Gustin
Sent: Monday, May 19, 2014 10:51
To: Norm Baldwin; Jesse Bridges; Barry Simays; cburns@burlingtonelectric.com
Subject: 395 Appletree Point Rd subdivision

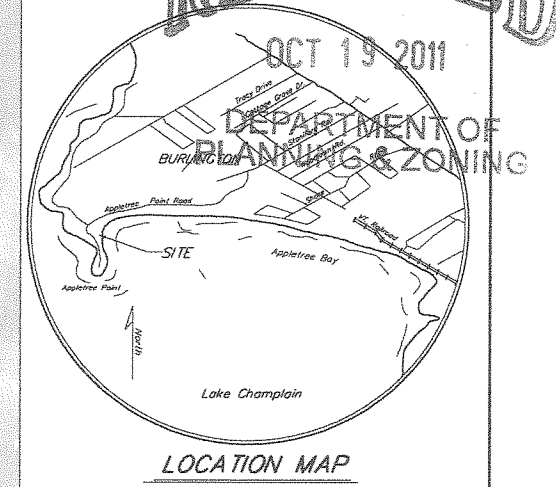
All,

Attached is a proposed 2-lot subdivision by Gary Reid. No new development is included. An identical subdivision was approved in 2011 but was intentionally allowed to expire by the property owner. This application is scheduled for the Development Review Board's June 17, 2014 meeting. If you have any comments about the subdivision, please send them to me by June 6, 2014.

Scott

Scott Gustin, AICP, CFM
Senior Planner
Dept. of Planning & Zoning
149 Church Street
Burlington, VT 05401
(802) 865-7189

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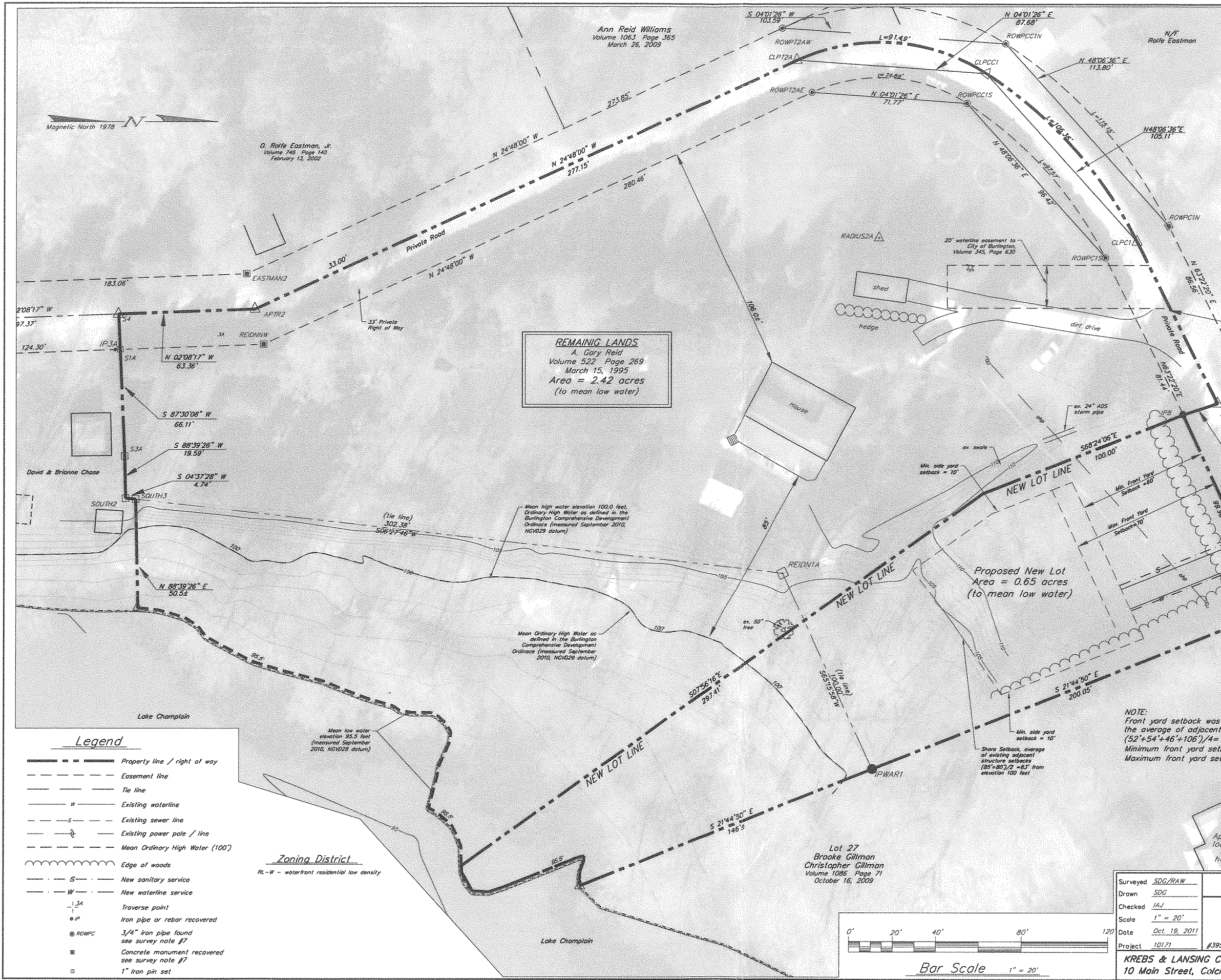
OCT 19 2011

DEPARTMENT OF
PLANNING & ZONING

LOCATION MAP

O. Rolfe Eastman, Jr.
Volume 235 Page 300
March 8, 1976

Arnold Gundersen
Margaret Gundersen
Volume 906
Page 638
February 18, 2005



REMAINING LANDS
A. Gary Reid
Volume 522 Page 269
March 15, 1995
Area = 2.42 acres
(to mean low water)

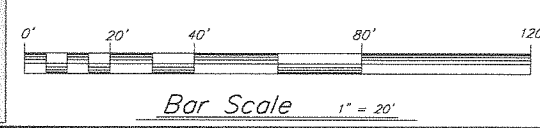
Proposed New Lot
Area = 0.65 acres
(to mean low water)

NOTE:
Front yard setback was calculated based on
the average of adjacent lots:
 $(52' + 54' + 46' + 106') / 4 = 65' \pm$
Minimum front yard setback: $65' - 5' = 60'$
Maximum front yard setback: $65' + 5' = 70'$

- Legend**
- Property line / right of way
 - Easement line
 - Tie line
 - Existing waterline
 - Existing sewer line
 - Existing power pole / line
 - Mean Ordinary High Water (100')
 - Edge of woods
 - New sanitary service
 - New waterline service
 - Traverse point
 - Iron pipe or rebar recovered
 - 3/4" iron pipe found
see survey note #7
 - Concrete monument recovered
see survey note #7
 - 1" iron pin set

Zoning District
RL-W - waterfront residential low density

Lot 27
Brooke Gillman
Christopher Gillman
Volume 1085 Page 71
October 16, 2009



Surveyed <u>SDG/RAW</u>		Preliminary Plat & Site Plan	
Drawn <u>SDG</u>		A. Gary Reid	
Checked <u>IAJ</u>			
Scale <u>1" = 20'</u>			
Date <u>Oct. 19, 2011</u>			
Project <u>10171</u>		Burlington, Vermont	
KREBS & LANSING Consulting Engineers, Inc. 10 Main Street, Colchester, Vermont 05446			